

# **EXHIBIT “A”**

ROBERT J. SMITH, State Bar No. 162784  
*Admitted Pro Hac Vice*  
MELINDA S. RIECHERT, State Bar No. 65504  
ANNE M. BRAFFORD, State Bar No. 237574  
MORGAN, LEWIS & BOCKIUS LLP  
2 Palo Alto Square  
3000 El Camino Real, Suite 700  
Palo Alto, CA 94306-2122  
Tel: 650.843.4000  
Fax: 650.843.4001  
E-mail: [rsmith@morganlewis.com](mailto:rsmith@morganlewis.com)  
[mrieichert@morganlewis.com](mailto:mrieichert@morganlewis.com)  
[abracford@morganlewis.com](mailto:abracford@morganlewis.com)

RICHARD W. BLACK, State Bar No. 467982  
*Admitted Pro Hac Vice*  
BARBARA I. ANTONUCCI, State Bar No. 209039  
LITTLER MENDELSON  
A Professional Corporation  
650 California Street, 20th  
San Francisco, CA 94108-2693  
Tel: 415.433.1940  
Fax: 415.399.8490  
E-mail: [rblack@littler.com](mailto:rblack@littler.com)  
[bantonucci@littler.com](mailto:bantonucci@littler.com)

Attorneys for Defendant  
HEWLETT-PACKARD COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY JOHNSON, JENNIFER RIESE,  
SHAUN SIMMONS, and JAMES PURVIS,  
individually, and on behalf of others  
similarly situated,

Plaintiffs,

vs.

HEWLETT-PACKARD COMPANY and  
DOES 1-25 inclusive,

Defendants.

Case No. C-09-03596 CRB

**DECLARATION OF STACY BOYLE IN  
SUPPORT OF DEFENDANT HEWLETT-  
PACKARD'S MOTION FOR SUMMARY  
JUDGMENT OF JENNIFER RIESE**

Date: March 11, 2011  
Time: 10:00 a.m.  
Dept.: Courtroom 8  
Judge: Hon. Charles R. Breyer

1 I, Stacy Boyle, do hereby declare:

2 1. I am currently employed by Hewlett-Packard ("HP") as the Operations Manager  
3 for the Agent team of the Solutions Partner Organization ("SPO"). As Operations Manager, I am  
4 responsible for reviewing the team's incentive compensation on a monthly basis to ensure they  
5 receive credit for the sales influenced by the partners assigned to their territories. One of the  
6 plaintiffs, Jennifer Riese, was a member of this team. Based on my position, I have personal  
7 knowledge of the facts set forth in this declaration and, if called upon to do so, could and would  
8 testify competently thereto.

9 2. Sales representatives' incentive pay for those in SPO is calculated based on  
10 "credits" for sales. Depending on a sales representative's sales plan, sales credit maybe assigned  
11 for direct transactions (i.e., sales from HP directly to the end user/customer) and for indirect  
12 transactions reported by third party partners. The term "partner sales" refers to indirect sales  
13 made through third party partners or resellers. HP's distributors are also referred to as "partners"  
14 and many of them have agreements with HP to report sales of HP products to end-user customers  
15 back to HP.

16 3. As an Operations Manager, on a monthly basis, I review reports from the order  
17 management systems, where the sales representatives and partners submit orders for HP products.  
18 I conduct this review to determine which orders were influenced by partners assigned to the  
19 Agent team. Any orders that identify a partner that influenced the sale are credited to the Agent  
20 team assigned to that partner.

21 4. Sometimes the sales representatives forget to list the partner that influenced a sale  
22 on an order. Since, under the terms of their sales letters, the sales representatives on the Agent  
23 team are entitled to be credited only for sales influenced by the partners assigned to them, if an  
24 order is missing information identifying the partner that influenced the order, I notify the sales  
25 representatives on the Agent team of orders with missing partner information. Once they are  
26 notified, the sales representatives on the Agent team are responsible for submitting a "Post-Agent  
27 Addition Form" to me and to the Agent Program Office to identify the partner that influenced the  
28 sale and so they can receive credit for the sales. If they do not submit an Add Form for orders

1 missing partners, they are not eligible to receive credit for the order.

2 5. HP pays commissions to partners who influence the sale of HP products. The  
3 Agent Program Office keeps track of the commissions paid to partners for influencing sales of HP  
4 products. If the Agent Program Office attaches a partner to a particular sale or order, the partner  
5 will receive commission on that order and all of the sales representatives on the Agent Team  
6 responsible for that order will receive credit for that order.

7 6. As a member of the SPO Agent Team in Fiscal Years ("FY") 2008 and 2009,  
8 Jennifer Riese was eligible to receive credit for the sales of certain products influenced by certain  
9 partners of HP in the Central territory. I am familiar with the list of the partners aligned to that  
10 territory in FY08 and with the partners for which she was not entitled to receive credit. It was  
11 part of my job to keep track of these partner in order to conduct the monthly reviews to ensure  
12 that the team receive credit for the sales influenced by the partners assigned to their territories

13 7. In FY09, Riese was eligible to receive credit for sales of certain products  
14 influenced by certain partners of HP in the East territory. I am familiar with the list of the  
15 partners aligned to that territory in FY09 and it was part of my job to keep track of this list.

16 8. Following the filing of this lawsuit, I performed an analysis of Ms. Riese's  
17 incentive compensation in FY08. My analysis consisted of a review of all Post-Agent Addition  
18 Forms submitted by Ms. Riese in FY08.

19 9. I compared the list of Post-Agent Adds to the FY08 credited transaction reports  
20 submitted to OMEGA which show all of the orders credited towards Ms. Riese's incentive  
21 compensation and for which she received incentive compensation in FY08.

22 10. Based on that comparison, I determined that Ms. Riese received credit for all but  
23 eight orders for which she submitted a Post-Agent Add form. I also determined that Ms. Riese  
24 was not entitled to receive credit for the eight orders in FY08. Three of the eight orders were re-  
25 billed prior orders. Ms. Riese was not entitled to receive credit for re-billed prior orders – only  
26 original orders. Two of the eight orders were for the sale of products for which she was not  
27 entitled to receive credit - data cartridges and PSG. The list of products assigned to her team does  
28 not include product line 7A – the product identification code for cartridges. Also absent from the

1  
2 list of products assigned to her are any PSG products. Ms. Riese submitted an Add for one order  
3 that was cancelled. Ms. Riese was not entitled to be paid on cancelled orders. One order was  
4 paid in FY07. As to the last order, Ms. Riese withdrew her request to attach a partner to that  
5 order.

6 11. As a result of my review, I did not find a single transaction that was missing or  
7 inaccurate in the report of transactions credited to Ms. Riese. I determined that she received  
8 credit for all of the eligible orders identified in the forms she submitted.

9 12. As a result, I concluded that HP accurately paid Ms. Riese's incentive  
10 compensation in FY08.

11 I declare under penalty of perjury under the laws of the State of California and the United  
12 States that the foregoing is true and correct.

13 Executed this 31<sup>st</sup> day of January 2011 in Rio Rancho, New Mexico.

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16 Stacy Boyle  
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